

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JANE DOE,**

**Plaintiff,**

**v.**

**Civil Action 2:20-cv-459  
Judge James L. Graham  
Magistrate Judge Karen L. Litkovitz**

**ANDREW K. MITCHELL, *et al.*,**

**Defendants.**

**PRELIMINARY PRETRIAL ORDER**

This matter came before the Court on May 27, 2020 at 2:00 p.m. at the First Pretrial Conference pursuant to notice and in accordance with Rule 16 of the Federal Rules of Civil Procedure. Counsel appeared as follows:

For Plaintiff(s):

Sara M. Valentine and David A. Goldstein

For Defendant(s):

Janet R. Hill Arbogast and Joseph M. Gibson appeared for defendant City of Columbus

Counsel for defendant Andrew K. Mitchell (Scott C. Walker and Thomas J. Novack) failed to appear for the conference.

The following matters were considered:

INITIAL DISCLOSURES

Initial disclosures shall be made by **JULY 14, 2020**.

VENUE AND JURISDICTION

There are no issues related to venue or jurisdiction.

PARTIES AND PLEADINGS

Any motion to amend the pleadings or to join additional parties shall be filed by **AUGUST 3, 2020**.

### ISSUES

Plaintiff Jane Doe brings this Civil Action pursuant to 42 U.S.C. §§ 1983 and 1988 against former Columbus police officer Defendant Mitchell for his use of excessive force, and relatedly a *Monell v. Department of Social Services of New York*, 436 U.S. 658 (1978) action against Defendant City of Columbus and Defendant Does. There is a jury demand.

### DISCOVERY PROCEDURES

All discovery shall be completed by **MAY 12, 2021**. For purposes of complying with this order, all parties shall schedule their discovery in such a way as to require all responses to discovery to be served prior to the cut-off date, and shall file any motions relating to discovery within the discovery period unless it is impossible or impractical to do so. If the parties are unable to reach an agreement on any matter related to discovery, they are directed to arrange a conference with the Court.

The parties shall produce all ESI on a flash drive. ESI shall include all information related to the case, including but not limited to native files such as user-created documents, which could be in Microsoft Office or OpenDocument file formats, as well as other files stored on computer, but could include video surveillance footage saved on a computer hard drive, computer-aided design files such as blueprints or maps, digital photographs, scanned images, archive files, e-mail, text messages, and digital audio files, among other data. All ESI shall be produced in PDF format. ESI shall include personal devices, including but not limited to cellular phones and laptops. All emails produced shall be produced in chronological order. All email chains shall be kept in one PDF file.

Any proposed protective order or clawback agreement shall be filed with the Court by **JULY 30, 2020**. A Word version of the proposed protective order should be sent to [litkovitz\\_chambers@ohsd.uscourts.gov](mailto:litkovitz_chambers@ohsd.uscourts.gov), and any provision related to sealing must comply with S.D. Ohio Civ. R. 5.2.1.

### DISPOSITIVE MOTIONS

Any dispositive motions shall be filed by **JUNE 16, 2021**.

### EXPERT TESTIMONY

Primary expert reports must be produced by **FEBRUARY 12, 2021**. Rebuttal expert reports must be produced by **MARCH 29, 2021**. If the expert is specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(B), unless otherwise agreed to by the parties. If the expert is not specifically retained, the reports must conform to Fed. R. Civ. P. 26(a)(2)(C), unless otherwise agreed to by the parties. Pursuant to Fed. R. Civ. P. 26(b)(4)(A), leave of court is not required to depose a testifying expert.

SETTLEMENT

Plaintiff shall make a settlement demand by **AUGUST 11, 2021**. Defendants shall respond by **SEPTEMBER 10, 2021**. The parties agree to make a good faith effort to settle this case. The parties understand that this case will be referred to an attorney mediator, or to the Magistrate Judge, for a settlement conference in November 2021. In order for the conference to be meaningful, the parties agree to complete all discovery that may affect their ability to evaluate this case prior to the settlement conference. The parties understand that they will be expected to comply fully with the settlement order which requires *inter alia* that settlement demands and offers be exchanged prior to the conference and that principals of the parties attend the conference.

OTHER MATTERS

Plaintiff intends to file a Protective Order to keep the identity of Jane Doe confidential.

If the foregoing does not accurately record the matters considered and the agreements reached at the conference, counsel shall immediately object in writing. If any date set in this order falls on a Saturday, Sunday or legal holiday, the date is automatically deemed to be the next regular business day.

IT IS SO ORDERED.

Date: May 27, 2020

  
KAREN L. LITKOVITZ  
UNITED STATES MAGISTRATE JUDGE